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QM22/0505

EXAMINER

ROVNAK, J
ART UNIT PAPER NUMBER

3712

DATE MAILED: 05/05/00

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on 2/29/00
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 4-21, 25, 27-30, 33-52 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 4-21, 25, 27, 30, 33-52 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

—SEE OFFICE ACTION ON THE FOLLOWING PAGES—

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1. Applicant's arguments with respect to claims 4-21, 25, 27-30 and 33-52 have been considered but are moot in view of the new ground(s) of rejection.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 4-9, 12-18, 20-21, 27-30, 33, 35, 39-40, 42 and 46-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Gilboa (5,853,327).

Gilboa discloses an object recognition system for interacting with a computer and suitable for education (Fig. 19). Gilboa's system comprises a plurality of hand-held objects and a device including: a microprocessor; a visual display capable of providing an interactive environment presenting a visual event requiring a user to cognitively react by selecting and manipulating one or more hand-held objects in response to said event; a circuit for identifying said selected and manipulated one or more hand-held objects, said visual display further providing a response based on said selected and manipulated one or more hand-held objects. Gilboa's system comprises a platform for said hand-held objects. See abstract, figures, col 1 lns 46-53, col 2 lns 58-67, col 3 lns 11-18, 37-38, 55-61, col 4 lns 4-14, 41-67, col 5 lns 29-35, col 7 lns 1-7, 18-22, col 8 lns 45-56, 66-67, col 9 lns 1-3, 32-64, col 10 lns 34-45, col 11 lns 16-32, 51-67, col 12 lns 1-3, 12-15 lns 46-58, col 17 lns 37-45, col 20 lns 13-24 and col 21 lns 1-7 and 26-40.

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilboa in view of Whitfield, made of record in the previous office action.

Gilboa discloses an object recognition system with a variety of hand-held objects including a visual aspect (see Figures especially Fig. 19). Whitfield teaches the inclusion of Braille characters on hand-held objects. Gilboa's system using hand-held objects also includes audio interaction with the user obviously making it useful to handicapped individuals. It would have been obvious to one of ordinary skill in the art to include braille on the objects of Gilboa as taught by Whitfield to make the Gilboa system more useful to a handicapped individual.

6. Claims 11 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilboa in view of Whitfield. See Fig. 19 and col. 20 lns 13-24 of Gilboa. It would have been obvious in view of the teaching of Whitfield that the objects of Fig. 19 could be blocks and that the positioning of the objects is important for the educational aspect described in col. 20.

7. Claims 34 and 36-38, 41 and 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilboa. Gilboa discloses the use of the game platform with a personal computer. The claimed connections for a personal computer were conventional in the art at the

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time of the invention and would have been obvious to one of ordinary skill in the art to include in the Gilboa system.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

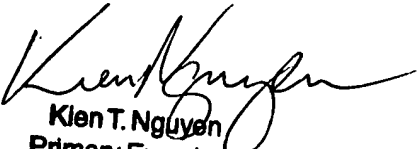
9. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. A missing bracket makes the amended claim indefinite.

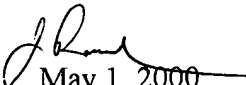
10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rovnak whose telephone number is (703) 308-3087.


Klen T. Nguyen
Primary Examiner


May 1, 2000